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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,848	03/05/2002	Tomoyuki Nakaki	122.1495	8367
21171	7590	05/26/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,848

Applicant(s)

NAKAKI, TOMOYUKI

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18, line 1: The phrase “according to claim ...” fails to particularly point out the subject matter of the claim being referred to.

Claims 1, 2, 4-21 further rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1, 2, 4-21 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification, page 10, line 34 through page 11, line 8. In the spec, applicant has stated the shortcut icon would not be deleted if the record DOES indicate that the shortcut icon should not be deleted, and this statement indicates that the invention is different from what is defined in the now claimed “an automatic deletion exception information in the startup record DOES NOT indicate that the shortcut icon file should not be deleted”.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,377,286 (Hochmuth).

- As for claims 1, 5, 8, 12, 15, 19: Hochmuth teaches a computer implemented method and corresponding apparatus comprising the steps/means for:

storing a condition (i.e., “specified criteria”) for creating (4:18-29, 57-65; 5:57-65)

and deleting (4:18-29, 57-65; 6:49-62) the shortcut icon,

updating an application program startup record in response to startup of the

application program (4:18-29),

automatically creating or deleting the shortcut icon when the startup record satisfies

the conditions for creating or deleting the shortcut icon (abstract, Summary of the
Invention, 4:30 – 6:25, 6:26 – 7:19)

storing a condition (i.e., “specified criteria”) for deleting (4:18-29, 57-65; 6:49-62)

the shortcut icon, and automatically deleting the shortcut icon when the startup record

satisfies the conditions for creating or deleting the shortcut icon (abstract, Summary
of the Invention, 4:30 – 6:25, 6:26 – 7:19), unless the icon is marked as a non-

temporal icon (6:41-45).
- As for claims 2, 9, 16: The creation condition includes the number of application
programs startups as a threshold value and the startup record includes the number of
application startup (4:18-65; 5:57-65).

- As for claims 10, 17: The method/apparatus further includes the steps/means for storing a condition (i.e., “specified criteria”) for deleting (4:18-29, 57-65; 6:49-62) the shortcut icon, and automatically deleting the shortcut icon when the startup record satisfies the conditions for creating or deleting the shortcut icon (abstract, Summary of the Invention, 4:30 – 6:25, 6:26 – 7:19), unless the icon is marked as a non-temporal icon (6:41-45).
- As for claims 4, 6, 11, 13, 18, 20: The deletion condition includes as a threshold value a period during which the application has not been executed, and the startup record includes a date at which the application was executed (4:18-65; 6:49-62).
- As for claims 7, 14, 21: A startup icon is automatically created when the startup record satisfies the conditions for creating (or conversely, does not satisfy the condition for deleting the shortcut icon). This automatic creation of the shortcut is equivalent to “restoring” a deleted shortcut icon of a particular application when the condition for creating the shortcut icon for this application is regained (abstract, Summary of the Invention, 4:30 – 6:25, 6:26 – 7:19).

Column and line number citations in no way limit the scope of the applied reference. The entire reference must be fully considered.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive. The added limitation have been addressed as set forth above in the new rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (572) 272-4136.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
11/07/04

BA HUYNH
PRIMARY EXAMINER